



**CITY COUNCIL AGENDA**  
**SPECIAL CITY COUNCIL MEETING OF: MAY 11, 2004**

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE.

THESE PROCEEDINGS ARE BEING PRESENTED LIVE ON KCLV, CABLE CHANNEL 2, AND ARE CLOSED CAPTIONED FOR OUR HEARING IMPAIRED VIEWERS. THIS SPECIAL COUNCIL MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE INTERNET AT [www.kclv.tv](http://www.kclv.tv). THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB THURSDAY AT 6:00 A.M., FRIDAY AT 7:00 P.M., AND SUNDAY AT 4:00 P.M.

DUPLICATE AUDIO TAPES ARE AVAILABLE AT A COST OF \$3.00 PER TAPE AND DUPLICATE VIDEO TAPES ARE AVAILABLE AT A COST OF \$5.00 PER TAPE THROUGH THE CITY CLERK'S OFFICE.

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- PLEDGE OF ALLEGIANCE

**MINUTES:**

PRESENT: MAYOR GOODMAN and COUNCIL MEMBERS REESE, BROWN, WEEKLY, MACK and MONCRIEF

EXCUSED: Ward 2 seat vacant

Also Present: CITY MANAGER DOUG SELBY, DEPUTY CITY MANAGER STEVE HOUCHENS, DEPUTY CITY ATTORNEY BRAD JERBIC and CITY CLERK BARBARA JORONEMUS.

ANNOUNCEMENT MADE – Meeting noticed and posted at the following locations:

City Hall Plaza, Special Outside Posting Bulletin Board

Court Clerk's Office Bulletin Board, City Hall Plaza

Las Vegas Library, 833 Las Vegas Boulevard North

Clark County Government Center, 500 S. Grand Central Parkway

Grant Sawyer Building, 555 E. Washington Avenue

(4:01)

**1-1**

MAYOR GOODMAN led the audience in the Pledge.

(4:01)

**1-17**

**AGENDA SUMMARY PAGE**  
**SPECIAL CITY COUNCIL MEETING OF: MAY 11, 2004**

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**DEPARTMENT: CITY CLERK****DIRECTOR:** BARBARA JO (RONI) RONEMUS ☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:****RESOLUTIONS:**

**R-86-2004** - Discussion and possible action regarding a resolution calling a Special Election to fill the vacant Ward 2 Council seat and other matters relating thereto (\$80,000 - General Fund)

**Fiscal Impact**☐**No Impact****Amount:** \$80,000☐**Budget Funds Available****Dept./Division:** City Clerk/Elections Division☒**Augmentation Required****Funding Source:** General Fund**PURPOSE/BACKGROUND:**

It has been proposed to hold a special election to fill the vacant Ward 2 Council seat. A resolution of the City Council is required in order to declare such an election. The proposed resolution establishes the date of Tuesday, June 22, 2004, for the special election and provides a proposed timeline and additional details regarding the election.

It is possible that contracts necessary to conduct this Special Election will exceed \$25,000. Due to the short time frame it will be necessary to authorize the City Manager to execute contracts in excess of \$25,000.

**RECOMMENDATION:**

It is recommended that the City Council adopt this Resolution and authorize its execution, and authorize the City Manager to execute contracts in excess of \$25,000 per R-145-2001 as necessary to conduct the Special Election.

**BACKUP DOCUMENTATION:**

Resolution No. R-86-2004

Submitted at meeting – Draft Announcement of 2004 Special Election from City Clerk

Submitted at meeting – Draft Special Election Timeline by City Clerk

**MOTION:**

**GOODMAN – ADOPTION** of the resolution calling a Special Election to fill the vacant Ward 2 City Council seat and directing the City Clerk to establish early vote sites at the following locations: Office of the City Clerk in City Hall, Veterans Memorial Leisure Service Center on South Pavilion Center Drive and Von's in Boca Park; and, for the purposes of the Special Election, permitting the City Clerk to consolidate the polling places allowing Ward 2 residents to vote at Veterans Memorial Leisure Service Center, Sahara

CITY COUNCIL MEETING OF MAY 11, 2004

Resolutions

Item 1 – Discussion and possible action regarding a resolution calling a Special Election to fill the vacant Ward 2 Council seat and other matters relating thereto

**MOTION - Continued:**

**West Library, Shadow Hills Baptist Church and the Christ Lutheran Church; and authorizing the City Clerk to coordinate with the Clark County Election Department to handle the absent ballot function for the City for this Special Election with the final results of the Special Election being canvassed on June 28, 2004 at 3:30 p.m. – MOTION CARRIED with WEEKLY voting NO and Ward 2 seat vacant**

**MINUTES:**

CITY CLERK BARBARA JO RONEUMUS outlined the resolution containing filing dates, early vote information, Election Day and canvass information. The resolution directs the City Clerk to establish procedures necessary to implement the Special Election. She pointed out that the resolution also provided for adjustments to the timeline should unforeseen circumstances occur. CITY CLERK RONEUMUS informed the Council of some options available for their consideration. She suggested two days of Early Voting at three locations; the City Clerk's Office for both days, Veterans Memorial Leisure Service Center on Friday, June 18, and Von's at Rampart and Charleston on Saturday, June 19. In office voting at the Clerk's Office would be provided for; however, the Council would have to approve the two mobile sites for early voting. MAYOR GOODMAN stated that the Early Vote process is a great democratic development that allows people to take part in the voting process in a more convenient manner. He would support the Early Vote.

COUNCILMAN WEEKLY spoke about issues he felt potential candidates may encounter should the Council approve the Special Election. He voiced concerns about an individual having to run for the Council seat only to hold the office for 60 to 90 days before having to run again. In his opinion, with Federal and State races and the Presidential Election, candidates may have a problem raising funds to run for this local race. He stated his concerns regarding candidate endorsement given the many talented individuals interested in the Ward 2 Council seat. COUNCILMAN WEEKLY expressed his apprehension in approving an \$80,000 Special Election when the City is having difficulty funding projects. He requested the Council help him understand the reasoning behind approving the Special Election so he could feel more comfortable when voting. COUNCILMAN REESE explained that he has been trying unsuccessfully for many years to get bills introduced that would allow Special Elections for any vacancy with a duration period extending over 90 days. Many lives have been given and many dollars spent protecting the right to vote in America and that right should not be taken away from the citizens. While appreciating COUNCILMAN REESE'S comments, COUNCILMAN WEEKLY felt the Special Election was not justified because the office would be held for such a short period of time before the next election.

CITY COUNCIL MEETING OF MAY 11, 2004

Resolutions

Item 1 – Discussion and possible action regarding a resolution calling a Special Election to fill the vacant Ward 2 Council seat and other matters relating thereto

**MINUTES - Continued**

COUNCILWOMAN MONCRIEF confirmed with the City Clerk that the candidates would have approximately 30 days to campaign. Unlimited funding is not necessary to run a successful campaign. In her opinion, distributing flyers printed off home computers, walking the ward and meeting with the residents would have a bigger impact on voters than expensive billboards and brochures. MAYOR GOODMAN explained that the challenges that would be associated with the campaign given by the Special Election timeframe would insure that candidates running really wanted the seat. He concurred with COUNCILWOMAN MONCRIEF that meeting with the residents is an important component and that funding is not a primary issue.

CITY CLERK RONEMUS explained that to minimize the expense associated with voting at schools, she was proposing four alternate polling places for the Council's consideration. She showed the Council the four sites on a map, which were the Veterans Memorial Service Center, the Sahara West Library, the Shadow Hills Baptist Church and the Christ Lutheran Church. The Council would have to approve the consolidation of polling locations as well as the locations themselves. The Clark County Registrar of Voters indicated they would be unable to support the punch card method of absent balloting. Because she is unfamiliar with the optical scanning method, her recommendation was for Council to approve allowing the Clark County Election Department to handle that function for the Special Election. She concluded by informing the Council that should they not approve the Special Election, Item 2 provided for the appointment of a Councilman. Should Item 1 be approved, she suggested Item 2 be stricken.

COUNCILMAN WEEKLY asked if the Council intended to have Special Elections for any future vacancies. MAYOR GOODMAN responded that if the vacancy was of brief duration, less than 90 days, a caretaker appointment would seem appropriate. For extended vacancies, he feels the situations would have to be analyzed on a case-by-case basis but he would lean towards deferring the decision to the people. MAYOR GOODMAN explained this situation is precedent setting and that he wanted the record to reflect that the rules being made are specifically for filling this Ward 2 vacancy.

COUNCILMAN BROWN asked if the implementation proposal made by the City Clerk met any existing legal criteria. CITY CLERK RONEMUS responded that due to the unique nature of this Special Election, there were no specific provisions in the Nevada Revised Statutes, Code or Charter that pertain to the implementation of a Special Election process. She emphasized that she tried to conform with existing Nevada law as much as possible and noted the applicable provisions when a deviation was required. COUNCILMAN BROWN confirmed that all eligible

CITY COUNCIL MEETING OF MAY 11, 2004

Resolutions

Item 1 – Discussion and possible action regarding a resolution calling a Special Election to fill the vacant Ward 2 Council seat and other matters relating thereto

**MINUTES - Continued**

candidates must have been a resident in Ward 2 as of April 19, 2004.

TOM McGOWAN, Las Vegas resident, stated that he would consider the Council's view on what may be an advantage or disadvantage to any candidate to be arbitrary. He was in support of the Special Election.

FRANK ALBANO, Las Vegas resident, expressed his displeasure over finding out that, due to redistricting, his residence is no longer part of Ward 2. Further, candidates would not have enough time under the draft time line to solicit funding for a campaign. MR. ALBANO felt the restricted timeline would offer an advantage to candidates with more financial means. The Council should appoint a caretaker to the seat until the next election period. The appointed person should be someone who would not run in the Spring Election. In doing this, the Council would allow all candidates more time to prepare for the elections and give them time to prepare and move into Ward 2, if necessary. CITY ATTORNEY BRAD JERBIC clarified that redistricting is done at the prerogative of legislature and notification is done by multiple newspaper postings. The redistricting is finalized by the adoption of an ordinance, which requires a reading, publication in the newspaper and adoption. He advised that the City followed all necessary legal procedures when the redistricting occurred.

AL GALLEG0, Las Vegas citizen, questioned whether the \$80,000 included the payment to Clark County for election assistance. MAYOR GOODMAN told him that it was included and that the original figure of \$73,000 was rounded to \$80,000 to provide a small cushion. MR. GALLEG0 expressed concern over the difficulty the candidates will have campaigning due to access problems caused by several gated communities in Ward 2. He hoped the money that will be funding the Special Election is not going to come out of his Ward or the downtown area. He felt there would not be enough voter turn out to justify the Special Election and was not in support of it. MAYOR GOODMAN spoke about his wishes for a large voter turn out, hoping for 100%.

COUNCILWOMAN MONCRIEF, MAYOR GOODMAN AND COUNCILMAN BROWN discussed allowing individuals time to speak on why they wanted the seat. However, CITY ATTORNEY JERBIC advised MAYOR GOODMAN that the line item did not allow them to do so.

COUNCILMAN BROWN summarized the Council's options of appointing a new Councilman, holding a Special Election or appointing someone as a caretaker only. He acknowledged that

CITY COUNCIL MEETING OF MAY 11, 2004

Resolutions

Item 1 – Discussion and possible action regarding a resolution calling a Special Election to fill the vacant Ward 2 Council seat and other matters relating thereto

**MINUTES - Continued**

there are many strong arguments for and against all three options. However, he would support a Special Election because it gives the people of the Ward the power to put who they want in the Ward 2 seat. He agreed that financial backing is not going to be a determining factor in this campaign and that in the short window of time, a candidate can make an impression without expensive signage. He suggested that those who feel there is not enough time to run for the Ward 2 seat immediately could start planning for the Spring Election.

(4:02 – 4:32)

1-29

**AGENDA SUMMARY PAGE**  
**SPECIAL CITY COUNCIL MEETING OF: MAY 11, 2004**

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**DEPARTMENT: CITY CLERK****DIRECTOR:** BARBARA JO (RONI) RONEMUS ☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:**

Discussion and possible action to appoint a City Council member for Ward 2

**Fiscal Impact**☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

Ward 2 Councilwoman Lynette Boggs McDonald has submitted her resignation effective April 20, 2004 to accept an appointment by Governor Guinn to serve on the Clark County Commission. In accordance with Las Vegas City Charter 1.160, it will be necessary to fill this vacancy by a majority vote of the entire City Council within 30 days after the occurrence of that vacancy.

The qualifications for *election* as a Las Vegas City Councilman are: Shall be a qualified elector who has actually as opposed to constructively, resided within the Ward which he or she desires to represent for a period of not less than 30 days immediately prior to the last day for filing a Declaration of Candidacy. The registered voters of the Ward in which he or she is a candidate shall elect each City Councilman. This Ward 2 seat is a four-year term position that will be considered by City of Las Vegas voters during the 2005 Municipal Election process.

**RECOMMENDATION:**

Appointment of a qualified individual to fill the seat of City Councilman, Ward 2

**BACKUP DOCUMENTATION:**

None

**MOTION:****GOODMAN – STRIKE – UNANIMOUS with Ward 2 seat vacant****MINUTES:**

COUNCILMAN REESE asked if anyone was interested in appointing a caretaker in the interim. COUNCILMAN MACK explained that if the seat was filled with a caretaker, the Special Election could not take place because there would not be a vacancy. MAYOR GOODMAN and CITY CLERK BARBARA JO RONEMUS concurred. COUNCILMAN BROWN wanted to inform everyone that although the Ward 2 seat is currently vacant, residents could contact AUDRIE DOGE or LARRY HARALA, staff support for Ward 2, with any neighborhood issues.

CITY COUNCIL MEETING OF MAY 11, 2004

OFFICE OF THE CITY CLERK

Item 2 – Discussion and possible action to appoint a City Council member for Ward 2

**MINUTES - Continued:**

COUNCILMAN REESE invited any Ward 2 residents to contact his office for assistance as well. MAYOR GOODMAN agreed that all Council members would be happy to help the constituents of Ward 2 during the vacancy.

(4:32 – 4:34)

**1-1014**



**AGENDA SUMMARY PAGE****SPECIAL CITY COUNCIL MEETING OF: MAY 11, 2004**

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**DEPARTMENT: FINANCE & BUSINESS SERVICES****DIRECTOR: MARK R. VINCENT**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

Discussion and possible action on project funding requests for fiscal year 2005 Capital Improvement Plan

**Fiscal Impact**☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:** Budget and Finance☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

At the April 20 Budget Workshop, the Council gave direction to allocate an additional \$59,920,000 in funding to the fiscal year 2005 Capital Improvement Plan (CIP), including the issuance of \$20,000,000 in new park bonds. This produced a \$6,565,000 funding shortfall after consideration of the new bonds. At the Budget Workshop, Council directed staff to work towards a solution to the funding shortfall and report back at the May 5 Council Meeting. Staff will present options to the Council and request guidance toward the Final Budget submission.

**RECOMMENDATION:**

None

**BACKUP DOCUMENTATION:**

Capital Project Funding Allocation Worksheet - April 20 Budget Workshop  
Submitted at Council Meeting – PowerPoint Presentation by Mark Vincent

**MOTION:**

**REESE – APPROVED – Incorporating all comments as read for the record – UNANIMOUS with Ward 2 seat vacant**

**MINUTES:**

MARK VINCENT, Director, Finance and Business Services, provided a PowerPoint presentation (copy attached). He reminded the Council that at the April 20<sup>th</sup> Budget Workshop, funds in the amount of \$61,620,000 were allocated to various projects with a shortfall of \$6.5 million. The Council had directed at that time, that the Finance Department investigate ways to fund that shortfall. Since that meeting, the Finance Department was able to reduce the shortfall to approximately \$5.3 million dollars. He spoke about various possibilities that were discussed at the April 20<sup>th</sup> meeting to cut the shortfall. He emphasized that he may not have brought to the Council's attention the fact that prior to that budget workshop, several budget cuts had already

## CITY COUNCIL MEETING OF MAY 11, 2004

## Finance &amp; Business Services

Item 3 – Discussion and possible action on project funding requests for fiscal year 2005  
Capital Improvement Plan**MINUTES - Continued:**

been made which totaled approximately \$58 million. He briefly described that process and summarized some of the cuts while referring to the PowerPoint slides.

MR. VINCENT concluded with his recommendation that the shortfall could be made up, absent of any desire to reduce any scope in the projects already approved, by doing a mid year augmentation in the upcoming fiscal year based on the closing of the books for fiscal year 2004. At that time, there should be sufficient fund balance for transfer without impact on the targeted project, the Centennial Hills Recreation Center. He stressed there would be no impact on the timing of the award of that contract or the construction schedule. By late September or early October, staff would know the availability of funds for the mid year augmentation anticipated for December.

COUNCILMAN MACK concurred with MR. VINCENT's recommendation. He clarified the City is moving forward on \$20 million bonding, but the process takes time. He asked for the Council's support in making the augmentation in December a priority. He suggested the Council consider taking the \$405,000 of Residential Construction Tax dollars from the Tenaya Neighborhood Park and putting it into the Ward 2 budget for allocation by the new councilperson or another project RCT money is most needed. MR. VINCENT clarified that in addition to the \$405,000 of Residential Construction Tax, there is an additional \$685,000 existing in the fund, for a total of slightly over \$1 million. The money could only be used within Ward 2 on neighborhood park projects. COUNCILMAN MACK felt it best to set aside the entire amount.

COUNCILMAN BROWN discussed the change in percentages on the slide titled Vacant General Fund Positions with CITY MANAGER DOUG SELBY. The decrease in vacant positions was attributed to the growth of the City and the decline of service levels that could result due to a lack of staffing. CITY MANAGER SELBY assured COUNCILMAN BROWN that the Position Justification Committee still actively reviews all requests. COUNCILMAN BROWN cautioned against being too lenient on hiring now that the economic tide is looking more positive. He asked if the Position Justification Committee considers converting positions left vacant for extended periods of time over to positions that have been requested and approved as needed for additional services. MR. VINCENT informed the Council that a review of that nature is not done at every Position Justification Committee meeting, however, it is done during the budget process. Many of the 51 positions on the vacancy list are in Fire and Rescue. COUNCILMAN BROWN asked that this area be scrutinized in the future because labor costs are so intensive. He would like to see more definition between positions and service levels. The City has been doing a great job in budgeting over the last few years, however there are other ways to tighten up the budget process even further.

CITY COUNCIL MEETING OF MAY 11, 2004

Finance & Business Services

Item 3 – Discussion and possible action on project funding requests for fiscal year 2005  
Capital Improvement Plan

**MINUTES continued:**

MAYOR GOODMAN and CITY MANAGER SELBY discussed the City running at optimum efficiency and ensuring the City has not created any potential areas of public safety hazard. MAYOR GOODMAN echoed the sentiments of COUNCILMAN BROWN that intensive labor costs must be contained. MR. VINCENT explained that the City's budget process will be shifting focus from an organizational viewpoint to a more project/program specific focus resulting in performance-based budgeting. COUNCILMAN MACK voiced his approval of such a system.

COUNCILMAN BROWN concluded by commending the efforts of the Finance Department, the Council and the many departments who work hard with limited staff and funding.

TOM MCGOWAN, Las Vegas resident, inquired as to whether cost comparison ratios and an independent audit of accounting were done and, if not, why not?

(4:34 – 5:07

**1-1078**

**AGENDA SUMMARY PAGE**  
**SPECIAL CITY COUNCIL MEETING OF: MAY 11, 2004**

CITIZENS PARTICIPATION: Items raised under this portion of the Special City Council Agenda cannot be deliberated or acted upon until the notice provisions of the Open Meeting Law have been met. If you wish to speak on a matter not listed on the agenda, please step up to the podium and clearly state your name and address. In consideration of others, avoid repetition, and limit your comments to no more than three (3) minutes. To ensure all persons equal opportunity to speak, each subject matter will be limited to ten (10) minutes.

**MINUTES:**

FRANK ALBANO, Las Vegas resident, addressed the MAYOR's comments regarding possible candidates' desire to run for the vacant Ward 2 seat. He expressed his concern regarding the short campaign window and how that affects his ability to procure funding. He again voiced his displeasure about the redistricting of Ward 2.

(5:07 – 5:09)

**1-2421**

TOM McGOWAN, Las Vegas resident, voiced his perspective regarding CITY ATTORNEY BRAD JERBIC's comments to MAYOR GOODMAN during discussion of Item 1. He also submitted written comments and a map regarding the Ice House Cocktail Lounge, a copy of which are made a part of the final minutes, which he feels is a public nuisance and a threat to public health and safety. MR. McGOWAN concluded by giving his comments on the posting locations of the notices for the Ethics Commission Hearing of May 12<sup>th</sup>.

(5:09 – 5:12)

**1-2498**

ADJOURNED: 5:15 P.M.

Respectfully submitted: \_\_\_\_\_  
STACEY CAMPBELL, DEPUTY CITY CLERK I  
May 13, 2004